

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

JOEL E. PRICE and RUSSELL E. : PRICE, individually and on : behalf of all similarly : situated individuals, : Plaintiffs, : v. : COUNTRYWIDE FINANCIAL : CORPORATION; LANDSAFE, : INC.; and COUNTRYWIDE : HOME LOANS, INC., : Defendants. :	CIVIL ACTION NO. CV205-015
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 CLERK
 U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF GEORGIA

ORDER

Presently before the Court is Defendants' motion to dismiss Plaintiffs' complaint for failure to state a claim upon which relief can be granted and for improper venue. On May 10, 2005, Plaintiffs filed an amended complaint.

Federal Rule of Civil Procedure 15(a) provides, in pertinent part, that "[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served[.]" A motion to dismiss is not a responsive

pleading. Fed. R. Civ. P. 7(a); Washington v. James, 782 F.2d 1134, 1138-39 (2d Cir. 1986). Consequently, Defendants' motion is **DISMISSED** as moot.

SO ORDERED, this 25th day of May, 2005.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA